

***Everstrive Oberhasli LLC
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Stafford, New York 14143-0067***

Docket No. 05-015-1
Regulatory Analysis and Development, PPD
APHIS, Station 3C71
4700 River Road Unit 118
Riverdale, Maryland 20737-1238

Dear APHIS,

The following comments are submitted in response to the National Animal Identification System; Notice of Availability of a Draft Strategic Plan and Draft Program Standards. These comments refer to Docket No. 05-015-1.

Evertsrive Oberhasli LLC is a Limited Liability Company that owns and raises Suffolk sheep and Oberhasli Dairy Goats. The flock/herd is enrolled in the USDA Scrapie Flock Certification Program.

Our comments to questions posed in the Advance Copy of Notice of Availability are as follows:

The Draft Strategic Plan calls for making the entire system mandatory by January 2009.

Is a mandatory identification program necessary to achieve a successful animal disease surveillance, monitoring, and response system to support Federal animal health programs? Please explain why or why not.

The LLC believes that a mandatory plan is necessary, if it can be reasonably demonstrated that the goal of a 48-hour traceback cannot be met by voluntary compliance. We believe that such demonstration will be vital in winning further support for a mandatory system of premises and animal identification.

In the current Draft Strategic Plan, the NAIS would require that producers be responsible for having their animals identified before the animals move to a premises where they are to be commingled with other animals. such as a sale barn. At what point and how should

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compliance be ensured? For example, should market managers, fair managers, etc., be responsible for ensuring compliance with this requirement before animals are unloaded at their facility or event? Please give the reasons for your response.

There will need to be a cooperative effort to make this program successful. To that end, producers should assume primary responsibility for identifying animals. Additionally, it would be important for "end-point" facilities such as livestock markets, slaughterhouses, etc, to ensure that the animals are properly identified when reaching their facilities.

In regard to cattle, individual identification would be achieved with an AIN tag that would be attached to the animal's left ear. It is acknowledged that some producers do not have the facilities to tag their animals; thus, the Draft Program Standards document contains an option for tagging sites, which are authorized premises where owners or persons responsible for cattle could have the cattle sent to have AIN tags applied. Do you think this is a viable option, i.e., can markets or other locations successfully provide this service to producers who are unable to tag their cattle at their farms? Please give the reasons for your response.

As the LLC focuses on raising sheep and dairy goats using enclosed pastures and shelters, it seems reasonable that producers using similar management systems would be responsible for the animal individual identification.

The current Draft Strategic Plan does not specify how compliance with identification and movement reporting requirements will be achieved when the sale is direct between a buyer and seller (or through their agents). In what manner should compliance with these requirements be achieved? Who should be responsible for meeting these requirements? How can these types of transactions be inputted into the NAIS to obtain the necessary information in the least costly, most efficient manner?

At a minimum, the seller should be responsible for this information. Currently under the Scrapie Flock Certification Program, producers are responsible for recording all required animal movements.

USDA suggests that animals should be identified anytime prior to entering commerce or being commingled with animals from other premises. Is this recommendation adequate to achieve timely traceback capabilities to support animal health programs or should a timeframe (age limit) for identifying the animals be considered? Please give the reasons for your response.

It would seem that a timeframe based on age limit could hinder the successful traceback of an animal. Referring to the Scrapie Flock Certification Program, certain animals under a certain age are not required to be identified, in certain circumstances.

Are the timelines for implementing the NAIS, as discussed in the Draft Strategic Plan, realistic, too aggressive (i.e., allow too little time), or not aggressive enough (i.e., do not ensure that the NAIS will be implemented in a timely manner)? Please give the reasons for your response.

We believe the timelines are adequate. Much of that time will need to be spent educating producers and others on the need for a comprehensive NAIS program.

Should requirements for all species be implemented within the same timelines, or should some flexibility be allowed? Please give the reasons for your response.

This is dependant on the stage of progress made by the species working groups associated with the United States Animal Identification Plan. We believe the system used for the Scrapie Flock Certification Program is well tested, and a proven system for use in sheep.

For goats, especially dairy goats, the matter is less clear. A presentation to members of the American Dairy Goat Association (ADGA) was made in October 2004 at the Annual Convention, but we do not know if this is the same presentation contained at the United States Animal Identification Plan Goat Working Group updated – see <https://usaip.info/USAIPGoatreport.ppt> and <http://usaip.info/caprinerplan.htm>. That presentation was not made available to all ADGA Members, nor were ADGA Members generally made aware of how to obtain the presentation made at the 2004 Annual Convention.

As a whole, there needs to be more information on animal and premises identification presented to ADGA Members in specific and goat producers in general. There has not been an especially high interest in this matter publicly expressed by ADGA Members.

Paramount will be if the current ADGA identification method of:

- 1) Use of a Registered Tattoo Sequence that is very unique and assigned to each ADGA Member
- 2) Use of a Unique Animal Identifier which is assigned to each goat
- 3) With each being tattooed in a different ear or tail web

can be cross-referenced back to the NAIS database to allow for a 48-hour traceback. Currently, ADGA only accepts tattoos as official identification. ADGA has adopted in its' Bylaws that they will comply with requests for information from USDA – see ADGA 2005 Guidebook Bylaws I. Membership, M. Release of member's animal information or <http://www.adga.org/2004-bylaws.html#16>

What are the most cost-effective and efficient ways for submitting information to the database (entered via the Internet, file transfer from a herd-management computer system, mail, phone, third-party submission of data)? Does the type of entity (e.g., producer, market, slaughterhouse), the size of the entity, or other factors make some methods for information submission more or less practical, costly, or efficient? Please provide supporting information if possible.

Compliance is the primary goal. To that end, there will need to be many ways in which information is submitted. Additionally, there will need to be allowances for some producers not using technology to submit their reports (e.g. various orders of the Amish and Mennonites, etc.)

We are aware that many producers are concerned about the confidentiality of the information collected in the NAIS. Given the information identified in the draft documents, what specific information do you believe should be protected from disclosure and why?

Currently, the Scrapie Flock Certification Program lists premises name, contact name, address, status and status dates, along with the breed of sheep/goat at the premises. As this program is voluntary, it is supposed that if people object to such information being disclosed, they could choose to not join the program.

As the Federal Freedom Of Information Act (FOIA) will be a consideration with it's underlying premise that information is generally disclosable, there will need to be a determination made in consultation with legislative and producer inputs to safeguard information that are trade secrets and commercial or financial information, or if the disclosure of information which would constitute a clearly unwarranted invasion of personal privacy, per FOIA Exemptions.

Additional concerns are providing the addresses of premises locations which could compromise bio-security efforts by producers.

The NAIS as planned would require States, producers, and other participating entities to provide information and develop and maintain records. How could we best minimize the burden associated with these requirements? For example, should both the seller and the buyer of a specific group of animals report the movement of the animals, or is reporting by one party adequate?

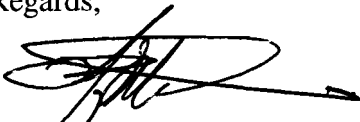
A word about the Farm Service Agency doing work related to premises identification. Granted, FSA offices are located in most counties in the United States. The scope of NAIS requirements is such that animals in non-commercial herds, as a hobby animal maintained for a pet, will be subject to mandatory identification of premises and animals.

In most cases, FSA gathers information for a program that is entered into voluntarily by a producer, with a requisite for benefit or compensation to the producer being compliance with rules, standards, etc.

In the case of the NAIS, there is no similar benefit or compensation to be directly derived from the animal owner/producer. Requirements concerning premises and animal identification will be mandatory. Processes will need to be developed that take into account that people may be skeptical of salutations of "We're from the government and we're here to help". For example, it will take a good information exchange to explain to the family that has a pet goat that the premises needs to be identified, along with the animal most likely needing to be identified.

Thank you for the opportunity to comment on this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Tom Klotzbach', with a long horizontal flourish extending to the right.

Thomas J. Klotzbach
Principal

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